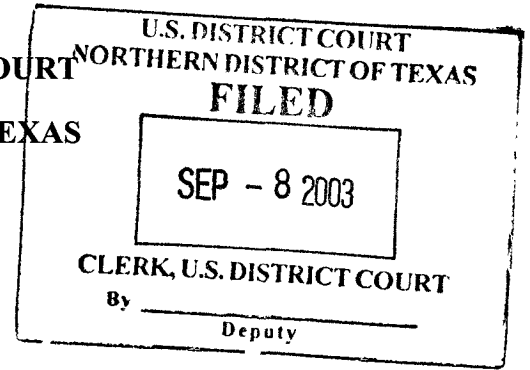


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**



JAMES AVERY RUSH, IV)
)
 Plaintiff,)
)
vs.)
)
)
)
NATIONAL BOARD OF)
MEDICAL EXAMINERS,)
)
 Defendants.)

**CIVIL ACTION CAUSE
NUMBER 2:03-CV-140-J**

PLAINTIFF'S MOTION TO FILE UNDER SEAL AND SUPPORTING BRIEF

Plaintiff James Avery Rush, IV moves the Court to allow him to file under seal Plaintiff's Motion to Abate and Supporting Brief, and any future filings containing confidential information, as follows:

1. Facts. After hearing the parties' joint motion for modification of the original rule 16 scheduling order, the Court on August 14, 2003 ordered the parties to report back to the Court concerning, inter alia, whether the case should be abated. Contrary to the indications given by counsel for Defendant at the hearing on the joint motion, Defendant will not agree to abate the case. Accordingly, Plaintiff wishes to file his Motion to Abate and Supporting Brief. However, that document contains confidential information for which there is no legitimate need for public dissemination. Nor is Defendant in any way harmed by Plaintiff's filing the motion under seal.

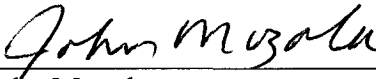
2. Motion. Plaintiff moves the Court to allow Plaintiff to file under seal Plaintiff's Motion to Abate and Supporting Brief and any future filings which contain confidential information.

3. Argument. Defendant has no legitimate interest in requiring that confidential information of Plaintiff be disclosed in a public filing. In fact, Plaintiff anticipates that Defendant will request that documents produced by Defendant in discovery in this case not be publicly disseminated. Defendant has no legitimate interest which is harmed by Plaintiff's filing documents under seal.

WHEREFORE, Plaintiff prays that the Court grant the motion contained in paragraph 2 above.

Respectfully submitted,

MULLIN HOARD & BROWN, L.L.P.
John Mozola, TSB No. 14615500
P. O. Box 31656
Tel: 806/372-5050
Fax: 806/372-5086

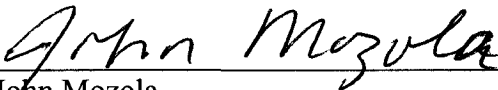


John Mozola
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

Before filing the above-styled motion, I conferred with Thomas C. Riney, Attorney for Defendant National Board of Medical Examiners, who stated that his client would not agree to the motion.

Thomas C. Riney
ATTORNEY AT LAW
501 S. Taylor, Suite 500
Amarillo, Texas 79101

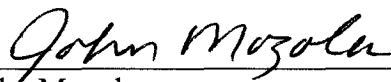


John Mozola

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 2003, a true and correct copy of Plaintiff's Motion to File Under Seal was served by hand delivery to:

Mr. Thomas C. Riney
ATTORNEY AT LAW
701 S. Taylor, Suite 500
Amarillo, TX 79101



John Mozola